

September 9, 2003

Curtis P. Ribando

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PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket	0185.03
	First Inventor	Maureen S. Wright
	Title	Use of <i>Paecilomyces</i> spp. as Pathogenic Agents Against Subterranean Termites
	Express Mail	ET 289108267 US
APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Commissioner for Patents Box Patent Application Alexandria, VA 22313-1450	

1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i>	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. <i>See 37 CFR 1.27. 2.</i>	8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>
3. <input checked="" type="checkbox"/> Specification <u>[Total Pages 27]</u> <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings <i>(if filed)</i> - Detailed Description - Claim(s) - Abstract of the Disclosure 	a. <input type="checkbox"/> Computer Readable Form (CRF) b. <input type="checkbox"/> Specification Sequence Listing on: <ul style="list-style-type: none"> i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies
ACCOMPANYING APPLICATION PARTS	
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <u>[Total Sheets 8]</u>	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
5. <input checked="" type="checkbox"/> Oath or Declaration <u>[Total Pages 2]</u>	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of <i>(when there is an assignee)</i> Attorney
a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for continuation/divisional with Box 17 completed)</i>	11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i>
i. <input type="checkbox"/> DELETION OF INVENTOR(S) <i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i>	12. <input checked="" type="checkbox"/> Information Disclosure <input checked="" type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 <input type="checkbox"/> Citations
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	13. <input checked="" type="checkbox"/> Preliminary Amendment
	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>
	16. <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
	17. <input type="checkbox"/> Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) Divisional Continuation-in-part (CIP) of prior application No. 09/889,287.

Prior application information: Examiner: Neil S. Levy Group/Art Unit: 1616

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

25712

Name (Print/Type)	<u>Curtis P. Ribando</u>	Registration No. (Attorney/Agent)	27,976
Signature	<u>Curtis P. Ribando</u>		
	Date <u>9-9-03</u>		

(Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL

2003

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Total Amount of Payment **\$ 750.00**

Complete If Known:

Application Number:

Filing Date:

First Named Inventor: **Maureen S. Wright**

Examiner Name:

Group/Art Unit:

Attorney Docket Number: **0185.03**

Method of Payment

The Commissioner is hereby authorized to charge any fees set forth in CFR 37.116 to 37.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:

Deposit Account Number: **50-2132**

Deposit Account Name: **USDA-ARS-OTT**

Fee Calculation:

1. Basic Filing Fee

Large Fee Code (\$)	Entity Fee (\$)	Fee Description	Fee Paid
1001	750.00	Utility Filing Fee	
1002	330.00	Design Filing Fee	
1003	520.00	Plant Filing Fee	
1004	750.00	Reissue Filing Fee	
1005	160.00	Provisional Filing Fee	

SUBTOTAL (1) \$

2. Extra Claim Fees

Extra Claims	Fee From Below	Fee Paid
Total Claims <u>15</u> -20** = <u>-</u> X <u>18.00</u> = <u>-</u>		
Independent Claims <u>1</u> -3** = <u>-</u> X <u>84.00</u> = <u>-</u>		
Multiple Dependent <u>-</u> X <u>-</u> = <u>-</u>		

** or number previously paid, if greater; For Reissues, see below

Large Fee Code (\$)	Entity Fee (\$)	Fee Description	Fee Paid
1615	18.00	Claims in excess of 20	
1614	84.00	Independent claims in excess of 3	
1616	280.00	Multiple dependent claims, if not paid	
1204	84.00 **	Reissue independent claims over original patent	
1205	18.00 **	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) \$

FEE CALCULATION (Continued)

3. Additional Fees

Large Fee Code (\$)	Entity Fee (\$)	Fee Description	Fee Paid
1051	130.00	Surcharge - late filing fee or oath	
1052	50.00	Surcharge - late provisional filing fee or cover sheet	
1053	130.00	Non-English specification	
1812	2,520.00	For filing a request for examination	
1804	920.00*	Requesting publication of SIR prior to Examiner action	
1805	1,840.00*	Requesting publication of SIR after Examiner action	
1251	110.00	Extension for reply within first month	
1252	410.00	Extension for reply within second month	
1253	930.00	Extension for reply within third month	
1254	1,450.00	Extension for reply within fourth month	
1255	1,970.00	Extension for reply within fifth month	
1401	320.00	Notice of Appeal	
1402	320.00	Filing a brief in support of an appeal	
1403	280.00	Request an oral hearing	
1451	1,510.00	Petition to Institute a public use proceeding	
1452	110.00	Petition to revive - unavoidable	
1453	1,300.00	Petition to revive - unintentional	
1501	1,300.00	Utility issue fee (or reissue)	
1502	470.00	Design issue fee	
1503	630.00	Plant issue fee	
1460	130.00	Petitions to the Commissioner	
1807	50.00	Petitions related to provisional applications	
1806	180.00	Submission of Information Disclosure Statement	
8021	40.00	Recording each patent assignment per property (times number of properties)	
1809	750.00	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750.00	For each additional invention to be examined (37 CFR § 1.129(b))	
Other Fee (specify) _____			
Other Fee (specify) _____			

* Reduced by Basic Filing Paid

SUBTOTAL (3) \$

Submitted By					
Name (Print/Type)	Registration No. (Attorney/Agent)			Telephone	
Signature	<i>Curtis P. Ribando</i>		27,976	Date	<i>9-9-03</i>

Fees current as of 01/01/2003

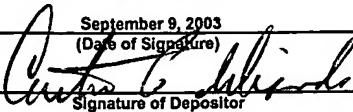
Express # ET 289108267 US
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on

September 9, 2003
(Date of Deposit)

Curtis P. Ribando
Name of Depositor

Curtis P. Ribando
Signature

September 9, 2003
Date of Signature

September 9, 2003
(Date of Signature)

Signature of Depositor

PTO/SB/13(11-96)
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Patent and Trademark Office; U.S. DEPARTMENT OF
COMMERCE

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REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
	CLASS	SUBCLASS		
0185.03	424		Neil S. Levy	1616

Address to:

Assistant Commissioner for Patents
Washington, D. C. 20231

This is a request for filing a continuation divisional application under 37 CFR 1.53(b), of pending prior Application Number 09 / 989,287, filed on November 20, 2001 entitled Use of Paecilomyces spp. as Pathogenic Agents Against Subterranean Termites

1. Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application number 09 / 989,287, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	15 - 20 =	-	X \$ <u>18.00</u> =	\$ -
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 - 3 =	-	X \$ <u>84.00</u> =	\$
	MULTIPLE DEPENDENT CLAIMS (If applicable) (37 CFR 1.16(d))			X \$ _____ =	\$ -
				BASIC FEE (37 CFR 1.16(a))	+ 750.00
				Total of Above Calculations =	\$ 750.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)				
				TOTAL =	\$ 750.00

2. A verified statement to establish small entity status under 37 CFR 1.9 and 1.27
 - is enclosed.
 - was filed in prior application number / , and such status is till proper and desired (37 CFR 1.28 (a)).
3. The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 50-2132. A duplicate copy of this sheet is enclosed.
4. A check in the amount of \$ is enclosed.
5. Cancel in this application original claims 1-10 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. The inventor(s) of the invention being claimed is (are): Maureen S. Wright, William J. Connick, Jr., and Mark A. Jackson
7. This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.53(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:
8. Amend the specification by inserting before the first line the sentence: "This application is a continuation division of application number 09 / 989,287, filed November 20, 2001, (pending) the contents of each of which are incorporated by reference herein."

[Page 1 of 2]

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(REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b), PAGE 2)

9. New formal drawings are enclosed.

10. Priority of foreign application number _____, filed on _____ in _____ is claimed under 35 U.S.C. 119(a) - (d).

11. A preliminary amendment is enclosed.

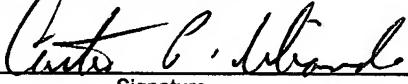
12. The prior application is assigned of record to The United States of America, as represented by the Secretary of Agriculture; Recordation Date 11/20/2001, Reel/Frame 012317/0564

13. Also enclosed:
 1) Fee Transmittal FY 2003 (2 orig.)
 2) Application Data Information Sheet
 3) Utility Transmittal Form

14. The power of attorney in the prior application is to: M. Howard Silverstein (22,699), John D. Fado (27,876); Curtis P. Ribando (27,976); Randall E. Deck (34,078) and Joseph A. Lipovsky (34,526)
 a. The power of attorney appears in the original papers in the prior application.
 b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 c. Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

<input type="checkbox"/> Customer Number	<input type="text" value="25712"/>		<input data-bbox="985 889 1351 1030" type="text"/>
Type Customer Number here			
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Curtis P. Ribando, Patent Advisor		
Address	USDA-ARS-NCAUR-Office of Technology Transfer		
Address	1815 N. University Street		
City	Peoria	State	Illinois
Country	USA		
Telephone	309/681-6512	Fax	309/681-6688

9-9-03
Date


Signature

Curtis P. Ribando

Typed or Printed Name

Inventor(s)
 Assignee of complete interest. Certification under 37 CFR 3.73(b) is enclosed.
 Attorney or Agent of Record
 Filed under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a) _____.